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17 Attorneys for Plaintiffs  
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18 REED, and COASTAL PROTECTION  
RANGERS, INC.  
19

20 **UNITED STATES DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
22

23 CORY SPENCER, an individual;  
24 DIANA MILENA REED, an  
individual; and COASTAL  
25 PROTECTION RANGERS, INC., a  
26 California non-profit public benefit  
corporation,  
27

28 Plaintiffs.

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF JAMES CONN IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR CLASS CERTIFICATION**

Judge: Hon. S. James Otero  
Date: February 21, 2017  
Time: 10:00 a.m.  
Crtrm.: 10C

1  
2 v.

3 LUNADA BAY BOYS; THE  
4 INDIVIDUAL MEMBERS OF THE  
5 LUNADA BAY BOYS, including but  
6 not limited to SANG LEE, BRANT  
7 BLAKEMAN, ALAN JOHNSTON  
8 AKA JALIAN JOHNSTON,  
9 MICHAEL RAE PAPAYANS,  
10 ANGELO FERRARA, FRANK  
11 FERRARA, CHARLIE FERRARA,  
12 and N. F.; CITY OF PALOS  
13 VERDES ESTATES; CHIEF OF  
14 POLICE JEFF KEPLEY, in his  
15 representative capacity; and DOES  
16 1-10,

17 Defendants.

18  
19 I, JAMES CONN, declare as follows:

20 1. For the past 30 years I have resided in various cities in the North  
21 County area of San Diego, California. I currently reside in Oceanside,  
22 California. I work as a radiology technician for First Choice Mobile  
23 Radiology, and I also shape surfboards on the side. I have personal  
24 knowledge of the matters stated in this declaration and, if called as a  
25 witness, could and would testify competently to its contents.

26 2. I grew up in Huntington Beach, California where I attended  
27 Edison High School. I took the GED and then attended Orange Coast  
28 College.

29 3. When I'm not working, I enjoy visiting various beaches and  
30 ocean-oriented park destinations. I am a big wave surfer and have spent my  
31 entire life big-wave surfing in California and around the world. I surfed  
32 several times per week until five years ago when I got into a bad car

1 accident. I still surf a few times per month. I am actively involved in the surf  
2 community.

3 4. One place that can be especially good for big-wave surfing is a  
4 beautiful and undeveloped beach in Palos Verdes Estates called Lunada  
5 Bay. It is known for having especially large and well-formed waves during  
6 Northwest winter swells. When I lived in Huntington Beach and the waves  
7 were big, I surfed at Lunada Bay regularly from 1969 until the mid-1980s.

8 5. During my lifetime, exclusion at Lunada Bay has always been a  
9 problem. I understood that many other surfers avoided Lunada Bay  
10 because of the reputation of threats, harassment, and violence against non-  
11 resident beachgoers carried out by the local surfers (nicknamed the "Bay  
12 Boys"). I felt comfortable surfing there because I did not mind standing up to  
13 Bay Boys and did not let them push me around.

14 6. During those years when I surfed at Lunada Bay, the Bay Boys  
15 were usually there, drinking beer and sitting on top of the bluffs. They made  
16 derogatory statements toward non-resident beachgoers because they  
17 wanted to keep them away. They mostly said things such as, "Get out of  
18 here, you don't belong." I recall that the Bay Boys flattened my friend's car  
19 tires during one of our visits to Lunada Bay.

20 7. On one visit to Lunada Bay in the early-to-mid 1980s, after  
21 surfing, I walked up one of the extremely steep and dangerous cliff trails,  
22 carrying my surfboard. One of the Bay Boys standing on the cliff above  
23 threw a large rock at my face and it split open my lip. I had to get many  
24 stitches to repair my lip – and I still have a scar to this day. Aside from the  
25 physical injury to my face, I was angry and scared because I could have  
26 very easily lost my balance and fallen off of the trail and down the cliff, which  
27 would have caused much more serious injury.

28 8. I drove to the nearest pay phone which was about a mile away

1 and reported the incident to the Palos Verdes Estates police but they never  
2 came out to help me. They seemed completely uninterested in investigating  
3 the incident. Unfortunately, the Palos Verdes Estates police's disinterest in  
4 helping me as an outsider did not surprise me because they had a  
5 reputation for being "in on it" and not helping non-resident beachgoers who  
6 were harassed by the Bay Boys. Despite the well-known bullying, I never  
7 saw Palos Verdes Estates police officers at or near the beach when I surfed  
8 at Lunada Bay. Without the police monitoring or responding to complaints,  
9 the Bay Boys' bad behavior seemed to go completely unchecked.

10 9. It is astounding to me that the Bay Boys' bad behavior continues  
11 on today. After decades of harassment and exclusion, it is time for Lunada  
12 Bay to be returned to the public.

13 10. As a big-wave surfer, I would like to be able to visit Lunada Bay  
14 to surf without fear of physical and verbal attack or the hassle of dealing with  
15 the Bay Boy bullies. I want the Bay Boys and other locals to be barred from  
16 using this beach for sufficient time to change attitudes, and to give access to  
17 the beach back to the public. I want the City of Palos Verdes Estates to  
18 enforce its ordinances fairly and for it to provide signage so people will know  
19 Lunada Bay is a public beach. I want the City of Palos Verdes Estates to  
20 improve amenities in a fashion that makes it safer, provides improved  
21 access to all beachgoers, and is both consistent with this rural spot, the  
22 California Coastal Act and state and federal law. For example, access trails  
23 to the shoreline should be clearly marked to make access safer. I want  
24 Palos Verdes Estates police to be available to help when people are  
25 unlawfully excluded. In short, I want to be able to visit Lunada Bay without  
26 being harassed. And if I am harassed, I want the City of Palos Verdes  
27 Estates police to take my complaints seriously.

1 I declare under penalty of perjury under the laws of the United States  
2 of America that the foregoing is true and correct.

3 Executed in OCEANSIDE, California on December 16<sup>TH</sup>  
4 2016.

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6  RT

7 JAMES CONN  
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